

REMARKS

Pending in the present application were claims 1-3, 5-20 and 26-31 of which claims 1 and 16 are independent claims. In the Office Action, claims 1, 9-10, 12-16 and 27 were rejected under 35 U.S.C. § 102(b) as anticipated by Nakamura et al. (U.S. 6,212,043 B1), claims 1-3, 5, 6, 8, 11, 12, 16-20 and 26-31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sassine et al. (U.S. 2005/0135013), and claim 7 was objected to as depending from a rejected base claim. In reliance on the following remarks and the above amendments, the present application containing claims 1-3, 5-16, 18-20, 26-31 and new claim 32 is in condition for allowance, and reconsideration and notice to that effect is respectfully requested.

Claim Rejections

1. Nakamura et al., 35 U.S.C. § 102(b): Claims 1, 9-10, 12-16 and 27

Independent claims 1 and 16 have been amended to traverse the rejections under 35 U.S.C. § 102(b) based on Nakamura. For a claim to be anticipated, each and every element as set forth in the claim must be found in a single prior art reference. See M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Nakamura does not anticipate claims 1 and 16, as each claim recites at least one element not found therein.

Claim 1 has been amended such that the hinge component comprises a first structural damping material and the gimbal component comprises a second structural damping material. Claim 1 now includes the limitation previously found in dependent claim 2, which the Office Action recognized as distinguishable from Nakamura. Therefore, Nakamura does not anticipate claim 1, because it fails to disclose, teach or suggest each and every element found therein. Claims 9, 10 and 12-15 depend from claim 1 and are allowable therewith.

Claim 16 has been amended such that the hinge component consists essentially of a first structural damping material. Claim 16 now includes the limitation previously found in claim 17, which the Office Action recognized as distinguishable from Nakamura. Therefore, Nakamura does not anticipate claim 16, because it fails to disclose, teach or suggest each and every element found therein. Claim 27 depends from claim 16 and is allowable therewith.

2. Sassine et al., 35 U.S.C. § 103(a): Claims 1-3, 5, 6, 8, 11, 12, 16-20 and 26-31

Sassine does not form a proper basis for rejection under 103(a) by virtue of section 103(c), which states: “[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” 35 U.S.C. § 103(c)(1).

Sassine qualifies as prior art, for purposes of section 103, only under section 102(e). Sassine is therefore subject to the limitations of section 103(c). Sassine and the present invention were, at the time the present invention was made, “owned by the same person or subject to an obligation of assignment to the same person.” § 103(c)(1). Therefore, Sassine does not form a proper basis for rejecting claims 1-3, 5, 6, 8, 11, 12, 16-20 and 26-31 under section 103(a).

CONCLUSION

Claims 1 and 16 have been amended to traverse the rejection under 35 U.S.C. § 102(b) based on Nakamura et al. Claims 9, 10 and 12-15 depend from claim 1 and are allowable therewith. Claim 27 depends from claim 16 and is allowable therewith. Under 35 U.S.C. § 103(c), Sassine et al. does not form a proper basis for an obviousness rejection, because the present invention and the subject matter of Sassine et al. were owned by the same person or subject to an obligation of assignment to the same person at the time the present invention was made. In addition, the combinations of features recited in claims 2, 3, 5-15, 18-20 and 26-31 are independently patentable, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable. See M.P.E.P. § 2143.03 (citing *In re Fine*, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988)). New claim 32 has been added. Therefore, all pending claims 1-3, 5-16, 18-20 and 26-32 are now in condition for allowance and notice to that effect is respectfully requested.

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